

Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, IIInd flr. Pune-11

Case No. 04/2014

Date:- 27/05/2014

In the matter of

- Complainant

The Chairman.
Swapanapurti, Phase-1,
Sahakari Griha Rachana Sanastha Ltd.,
Sector No.26, S.No.155/1 to 7,
At-Post-Rawet, Tal.Haveli,
Dist.Pune

V/S

The Executive Engineer,
M.S.E.D.C.L.
Bhosari Division,
Pune.

- Opponent

Quorum

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.N.S.Prasad
Member	Shri.Suryakant Pathak

1. The complainant Ravindra D.Hinge, Chairman of Swapanapurti Co-Operative Housing Socy., has filed the complaint as per the provisions of Section 42 (5) of the Electricity Act-2003.
2. The Swapanapurti Co-Operative Housing Socy. is having electricity connection issued by M.S.E.D.C.L. since 19.4.2002 vide No.170140627219 at Section No.26 Nigadi Pradhikaran, Pune-411044.
3. Though electricity supply was given since 19.4.2002 the first bill was issued on 29.9.2012. M.S.E.D.C.L. issued bill to the amount of Rs.178590.29 for about 126 months.
4. According to complainant Committee members of the Swapanapurti Co-Operative Housing Socy informed M.S.E.D.C.L. officials about the

non-receipt of the bill in respect of above meter no., but no care was taken by the concerned persons and all of a sudden bill of 126 months was issued in Oct.2012.

5. Complainant requested for issuance of correct bill as per law but M.S.E.D.C.L.has not considered the submission. The matter was placed before Lok-Adalat on 23.11.2013 for amicable settlement but the matter was not settled before Lok-Adalat.
6. Complainant filed complaint before Internal Grievance Redressal Forum on 26.2.2014. The said forum decided the complaint on 28.3.2014.
7. Being dissatisfied by the decision of IGRC, the present complaint is filed in 'A' form.
8. According to M.S.E.D.C.L. the consumer has taken the electricity supply since 19.4.2002 and no bills were issued till Sept.2012.
9. It is argued by M.S.E.D.C.L. that correct electricity bill is issued to consumer as per actual consumption. The electricity bills were prepared as per the prevalent rates and were divided in 128 months.
10. According to M.S.E.D.C.L. the consumer Swapanapurti Co-Operative Housing Socy. has not paid anything though electricity is utilized continuously since 2002, consumer never expressed willingness to pay the bill or intimated regarding the non-payment of the bill for a such a long period.
11. M.S.E.D.C.L. submitted that complaint is devoid of any substance and has been filed to avoid payment of the bill though electricity is consumed for more than a decade.
12. The following points arise for our determination :
 - i) Whether M.S.E.D.C.L. is entitle to issue supplementary bill of 128 months?
 - ii) What order ?
13. Our findings are as under :
 - i) In the negative
 - ii) As per final order

: REASONS :

14. Admittedly the complainant society is using the electricity supply since 2002 and nothing is paid for the said consumption of electricity. M.S.E.D.C.L. also failed to issue electricity bill for a period of more than ten years. It is the obligation of consumer to pay electricity bills and M.S.E.D.C.L. is authorized to recover charges for electricity supplied in accordance with such tariff as may be fixed from time to time.
15. The consumer is under a duty to intimate the M.S.E.D.C.L. about the non-receipt of the electricity bill within reasonable time. Consumer has not denied that electricity was utilized by the Society. The complainant has stated that Committee members verbally informed M.S.E.D.C.L. officials regarding non-receipt of bill, however M.S.E.D.C.L. failed to issue bills. In the present case complainant has not denied the use of electricity since 2002. We are of the opinion that complainant is bound to make the payment for the utilization of the electricity and opponent is entitle to recover the same by filing civil suit.
16. The complainant submitted that as per law opponent is entitle to recover the electricity bills for the period preceding two years only. Sub-section(2) of Section 56 clearly provides that no sum due from any consumer u/s 56 shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.
17. We hold that present case falls under Section 56(2) of Electricity Act-2003 so M.S.E.D.C.L. is not entitle to raise demand of arrears beyond two years from consumer. We hold that general remedy to file a suit for recovery of arrears will always be available to opponent. M.S.E.D.C.L. Officials are under a duty to save the utility from wrongful loss and therefore it is necessary to make inquiry as to why the bills were not issued since

beginning till issuance of the supplementary bill as well as failure on the part of officials to take meter reading and issuance of bills regularly.

18. In the result M.S.E.D.C.L. is directed to issue bills for two years prior to 27.11.2012. The following order is passed in the interest of justice.

ORDER

1. The bill dated 29.11.2012 for Rs.178590/- (Rs. One Lakh Seventy Eight Thousand Five Hundred Ninety only) issued by M.S.E.D.C.L. to Society is set aside.
2. M.S.E.D.C.L. is directed to issue fresh bill for a period of two years prior to 27.11.2012.
3. No order as to cost.

N.S.Prasad,
Member/Secretary

Suryakant Pathak
Member

S.D.Madake
Chair Person

Date : 27.5.2014